

## **REMARKS**

### **I. Request for Reconsideration**

A Non-Final Office Action on the Merits, mailed January 5, 2010 was issued in the present application (Application No. 10/828,474). The Applicants respectfully submit herewith Amendments and Response to the Office Action on the Merits under **37 C.F.R. §1.111** and a Request for Reconsideration under **37 CFR §1.112**.

### **II. Status of the Claims**

Claim 94 has been amended, claims 3-13, 21-31, 39-49, 57-67, and 81-91 have been canceled, and no claims have been added in the amendments submitted herewith. Claims 1, 2, 14-20, 32-38, 50-56, 68-80, and 92-96 are therefore presently pending and under consideration in the application. The Applicants explicitly reserve the right to file one or more continuing applications to the deleted subject matter. The Examiner has previously allowed claims 1, 2, 14-20, 32-38, 50-56, 68-80, and 92-96. The Applicants thank the Examiner for this indication.

### **III. Amendments to the Claims**

Claim 94, an allowed claim, has been amended to clarify the structure of “a compound of claim 50”. Formula II and the definitions of the variables have been taken from claim 50.

### **IV. Rejections of claims under 35 U.S.C. § 112, First Paragraph Enablement**

The Office Action, mailed January 5, 2010 rejects claims 3-13, 21-31, 39-49, 57-67, and 81-91 under **35 U.S.C. §112**, first paragraph as allegedly lacking enablement concerning the full scope of treating any, “pathological condition or disorder in a mammal”. The cancellation of these claims renders this rejection moot.

### **V. Period for Reply**

The Office Action set a three-month period to comply, to and including April 5, 2010. Applicants believe this response is timely filed. Should any additional fees be

deemed necessary, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-1425.

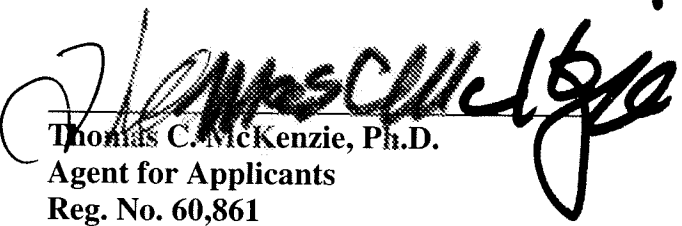
**VI. Conclusion.**

Based on the foregoing, it is Applicants' belief that claims 1, 2, 14-20, 32-38, 50-56, 68-80, and 92-96 are in condition for allowance, and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned Agent at the number indicated.

Respectfully submitted,

Date:

March 18, 2010

  
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